

Diamond Head - SPCC

October 24, 1979

Michael V. Polito
Emergency Response & Inspection Branch

Richard Tisch, Chief
Water Enforcement Branch

THRU: Fred N. Rubel, Chief
Emergency Response & Inspection Branch

The attached letter was received by me on October 28, 1979. At the first opportunity, I intend to review the SPCC Plan.

It is my immediate reaction that:

- (1) The plan is not being implemented;
- (2) Both the owner, Newtown Refining, and the leaseholder, Diamond Head Oil and Refining, will require separate plans; and
- (3) There have been spills of oil from the property but the facility has failed to report such spills.

Attachment

2-SA-ERI:MVPolito:ndu:Bldg.209:x6652

10/29

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2-SA-ERI:MVPolito:ndu:Bldg.209:x6652

10/27

NEWTOWN REFINING CORP.

P. O. Box 216

Frackville, PA 17931

October 18, 1979

RECEIVED

OCT 22 1979

Emergency Response
Inspection Branch
Edison, N.J.

Mr. Fred N. Rubel
Chief, Emergency Response &
Inspection Unit
United States Environmental Protection Agency
Edison, NJ 08817

Re: Newtown Refining Corporation
1401 Harrison Avenue
Kearny, NJ

Dear Mr. Rubel:

In accordance with your letter to us of August 8, 1979, and subsequent correspondence, the following answers are provided to the questions set forth in your letter:

1. The above ground storage capacity is 12,000 bbls.
2. There is no underground storage capacity.
3. Newtown Refining Corporation (which was incorporated in October, 1976 as Ag-MET Oil Service, Inc., with this name being changed in November, 1976 to Newtown Refining Corporation) acquired the land and buildings at 1401 Harrison Ave., Kearny, NJ, on November 3, 1976, and since that date there have been no spills. Based on information received from representatives of the previous owner of the premises, we believe there were no spills during the two years prior to our acquiring the premises.
4. An SPCC Plan for the premises was certified on May 7, 1976 by Jack Kroop, P.E., 80 LaSalle St., New York, NY 10027; New Jersey License No. 17408-P.E. Mr. Kroop was retained by this corporation after it purchased the land and buildings on November 3, 1976 to continue on items related to the plan.
5. Mr. Kroop has informed us that the plan was implemented on May 7, 1976. The operations were carried out in accordance with the plan and planning of changes to the physical plant were considered. After Newtown acquired the property on November 3, 1976, these procedures were continued with Mr. Kroop. Since that time the construction of a major highway by the New Jersey Department of Transportation has significantly affected the property. A portion

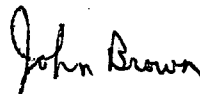
of the property was taken by the NJDOT in 1976 by way of condemnation. Further, the NJDOT contracted in 1976 for the removal of a body of water on NJDOT property adjacent to our property (a very small portion of this body of water also being on our property and Town of Kearny property), and thereafter in early 1977 this body of water was removed by the NJDOT and residues from the bottom of the body of water were buried by the NJDOT on NJDOT and Town of Kearny property immediately adjacent to our property. Drainage conditions on site have been changed continuously due to the NJDOT's construction activities, with large mounds of fill and new highway bed elevated well above the grade level of our premises at 1401 Harrison Avenue. Mr. Kroop has made contact with the NJDOT, the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection to plan changes which were dependent on drainage conditions on site.

6. Please see answer to question 5.
7. The plan has been reviewed and evaluated with Mr. Kroop's continuing assistance. In May, 1978 Newtown discontinued all re-refining operations at this facility. This removed any significant potential for spills. At the present time the premises are leased to a company (Diamond Head Oil Refining Corp. (a newly-organized New Jersey corporation), which conducts oil can filling operations. Mr. Kroop advises that the existing spill plan covers these reduced functions.
8. As stated above, the lessee and operator of the premises is Diamond Head Oil Refining Corp., 1401 Harrison Ave., Kearny, NJ (201-991-5800).

We trust the foregoing provides complete answers to your questions, but if you have any additional questions, please do not hesitate to call or write to the undersigned.

Respectfully submitted,

NEWTOWN REFINING CORPORATION



John A. Brown

JAB:gm

CC: T. Muller
A. Brandenbur
J. Toth
D. Martin
J. Kroop
B. Mahler